

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #3	CCRB Case #: 201506164	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/15/2015 3:15 PM	Location of Incident: the 4, 5, 6 train station at 86th Street and Lexington Avenue	Precinct: 19	18 Mo. SOL 1/15/2017	EO SOL 1/15/2017	
Date/Time CV Reported Mon, 07/27/2015 12:31 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 07/27/2015 12:31 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Angela Morris	00000	900519	TB DT04
2. SGT Clyde Jasmin	03157	936808	TB DT04

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Leonel Pena	15662	923459	TB DT04
2. POM Adonis Long	02881	936972	TB DT04

Officer(s)	Allegation	Investigator Recommendation
A.LT Angela Morris	Abuse: Lt. Angela Morris stopped § 87(2)(b) Force:	
B.SGT Clyde Jasmin	Sgt. Clyde Jasmin used physical force against § 87(2)(b)	
C.LT Angela Morris	Abuse: Lt. Angela Morris detained § 87(2)(b)	

Case Summary

On July 15, 2015, at approximately 3:15 p.m. after § 87(2)(b) swiped his reduced-fare MetroCard into the 86th Street and Lexington Avenue 4, 5, 6 train station in Manhattan, he was approached on the stairwell leading down to the north-bound express trains by Lt. Angela Morris of TB DT04. Lt. Morris asked to see the MetroCard § 87(2)(b) used and he refused. § 87(2)(b) continued to refuse as Lt. Morris led him back up to the mezzanine level of the train station, and told Lt. Morris to take him to jail instead (**Allegation A**). Sgt. Clyde Jasmin grabbed § 87(2)(b)'s shirt with both hands and pushed his back into a wall two feet behind him and told § 87(2)(b) to obey the officers (**Allegation B**); § 87(2)(b) still refused to show his MetroCard. Sgt. Jasmin frisked § 87(2)(b) and removed his wallet to procure his ID. Then, Sgt. Jasmin handcuffed § 87(2)(b) and sat him down on a bench with two other prisoners (identified by the investigation as § 87(2)(b) and § 87(2)(b) (**Allegation C**). After roughly forty-five minutes, § 87(2)(b) and § 87(2)(b) were escorted into an RMP while § 87(2)(b) remained outside. At this time, § 87(2)(b)'s niece, § 87(2)(b) walked by and told the officers that § 87(2)(b) was released from his handcuffs and Lt. Morris returned § 87(2)(b) his identification, minus his PBA card. § 87(2)(b) left the location by train while the other two prisoners were transported from the location.

Mediation, Civil and Criminal Conviction Histories

- Mediation was offered to and rejected by § 87(2)(b)
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 24, 2015 with regard to the incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed the following CCRB complaints [Board Review 03]:
 - § 87(2)(b)
- Lt. Angela Morris has been a member of the service for 23 years and there are 2 substantiated CCRB allegations against her.
 - In case 200600167, a search allegation was substantiated; charges were recommended and the NYPD took no disciplinary action.
 - In case 200908265, a question allegation was substantiated; command discipline was recommended and the NYPD took no disciplinary action. § 87(4-b) § 87(2)(g)
- Sgt. Clyde Jasmin has been a member of the service for 10 years and there is 1 substantiated CCRB allegation against him.
 - In case 201311510, an allegation of unauthorized detainment was substantiated; charges were recommended and the NYPD has not yet reached a disposition.

Finding and Recommendations

Allegations Not Pleaded

- § 87(2)(g)

- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]

Recommendations

- **Allegation A – Abuse of Authority: Lt. Angela Morris stopped** § 87(2)(b)

§ 87(2)(b) alleged that upon being approached by Lt. Morris, she asked him twice to show the metro card he used, noting she observed a red light indicator when he swiped. Both times, § 87(2)(b) refused to show Lt. Morris the card. § 87(2)(b) stated he was a senior citizen who paid his fare, and asked Lt. Morris if he did not look § 87(2)(b)-old to her.

§ 87(2)(b) who was arrested by Sgt. Jasmin at 3:09 p.m., was sitting on a bench not paying attention to his surroundings at the time § 87(2)(b) was initially stopped by Lt. Morris [Board Review 02]. § 87(2)(b) heard Lt. Morris and Sgt. Jasmin accuse § 87(2)(b) of the theft of services, and § 87(2)(b) announcing he was not guilty.

Lt. Morris observed a red light indicator flash on the turnstile when § 87(2)(b) swiped his MetroCard, which signified § 87(2)(b) paid a reduced-fare. Lt. Morris explained that reduced-fare metro cards are issued to individuals who are either disabled or are senior citizens. Lt. Morris further explained that as § 87(2)(b) did not appear to be a senior citizen (age 65+) and did not appear handicapped, she presumed he was “criminally impersonating a handicapped person” and thus, “guilty of the theft of services.” Lt. Morris immediately approached § 87(2)(b) and asked him to show his MetroCard. § 87(2)(b) dismissed her and continued to walk down the stairs. Lt. Morris blocked § 87(2)(b)'s path and informed him she was an officer. Again, Lt. Morris asked to see his MetroCard and § 87(2)(b) refused. Lt. Morris asked § 87(2)(b) to walk back up the stairs to the local train platform and although he verbally refused, he walked alongside her back up the stairs. § 87(2)(b)'s MetroCard was not shown to the officers at any point during the incident.

At the time Lt. Morris made the observation of § 87(2)(b) swiping through the turnstile, Lt. Morris' partners Sgt. Jasmin and PO Long were watching over two prisoners seated on a bench roughly ten to fifteen feet away. Sgt. Jasmin and PO Long denied observing Lt. Morris' initial stop of § 87(2)(b) down the stairwell, which was out of their field of vision, or know why she did so.

According to People v. Debour, 40 N.Y.2d 210 (1976), officers can forcibly stop and detain an individual whenever they have a reasonable suspicion that the individual has committed, is committing, or is about to commit a crime. C.P.L. §190.25(1) provides: "A person is guilty of criminal impersonation in the second degree when he “[i]mpersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another” [Board Review 08]. Conviction of this crime requires proof that the defendant impersonated a real person and not simply used some fictitious or assumed name. People v. Sadiq, 236 A.D.2d 638, 639 (2d Dept. 1997) [Board Review 07]. According to CPL §165.15(3), a person is guilty of theft of services when he obtains or attempts to obtain access to public transportation services without payment of the lawful charge or avoids payment of the lawful charge which has been

them, told § 87(2)(b) that he needed to comply with Lt. Morris, and then with both arms, grasped § 87(2)(b) by his shoulders to move him one step to the side out of the way of oncoming pedestrian traffic. Sgt. Jasmin denied having placed § 87(2)(b) against the wall, but did state § 87(2)(b) was in close vicinity to the wall. Sgt. Jasmin denied having grabbed § 87(2)(b) by the front of his shirt and pushing him into the wall.

NYPD Patrol Guide §203-11 requires that all officers at the scene of a police incident must use the minimum force necessary to overcome resistance [Board Review 06].

§ 87(2)(g)

§ 87(2)(g)

• **Allegation C – Abuse of Authority: Lt. Angela Morris detained § 87(2)(b)**

It is undisputed that § 87(2)(b) was handcuffed and held under arrest for a lengthy period of time because Lt. Morris presumed he was criminally impersonating a disabled individual. § 87(2)(b) approximated he was detained for forty-five minutes. The stop and frisk report by Lt. Morris notes § 87(2)(b) was detained for approximately twenty minutes [NYPD Document 06]. Lt. Morris' noted in her memo book she stopped § 87(2)(b) at 3:00 p.m. and released him at 4:05 p.m. [NYPD Document 01].

§ 87(2)(g)

§ 87(2)(g)

Squad: 3

Investigator: _____ Rebecca Ho 09/03/15
Signature Print Date

Supervisor: _____

	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date